

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.14385 OF 2007

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DATED: 06-07-2007

BETWEEN

Devani Appa Rao,
S/o. Venkata Ratnam,
Occ: Cultivation,
R/o. Darbhagudem (V),
Jeelugumilli (M),
West Godavari District.

...PETITIONER

AND

The Special Deputy Collector,
Tribal Welfare, Polavaram (M),
West Godavari District and
others.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Certiorari calling the records of S.R.No.401 of 2001 of the first respondent dated 27.10.2006 pertaining to land of Ac.6.52 cents in R.S.No.45/2 situated at Darbhagudem Village, Jeelugumilli Mandal and is liable to be quashed.

2. Learned counsel for the petitioner submits that even though earlier on two occasions the Special Deputy Collector, Tribal Welfare, K.R.Puram in S.R.Nos.129 of 1992 and 63 of 2001 by orders dated 15.02.1993 and 18.07.2001 respectively disallowed the applications of the Special Deputy Tahsildar, Tribal Welfare, K.R.Puram with regard to the alleged violation of the Andhra Pradesh Scheduled Areas Prohibition of Land Transfer Regulation 1/59 read with 1/70, for the third time, the Special Deputy

Collector, Tribal Welfare, Polavaram, which is a bifurcated unit, initiated fresh action on the complaint filed by the Special Deputy Tahsildar, Tribal Welfare, Polavaram under Section 3(2)(a) of the regulation 1/59 as amended by regulation 1 of 1970 and ordered ejectment of the petitioner on the ground that some non-tribal is found cultivating the land for the last five years.

He further submits that when on earlier two occasions the respondents have not found any violation of the said regulations the question of initiating eviction proceedings on the third complaint does not arise and it is contrary to Rule 8 of the Agency Rules.

3. When the order of the Special Deputy Collector is appealable and as a remedy is available to the petitioner by way of filing a regular appeal before the Agent to the Government, I am not inclined to entertain the writ petition. However, it is open to the petitioner to raise all these questions before the appellate authority.

The writ petition is accordingly dismissed with a liberty to the petitioner to file an appeal questioning the legality and validity of the impugned order in accordance with law with a period of two weeks from today. Status quo obtaining as on today shall be maintained for a period of two weeks. There shall be no order as to costs.

V. ESWARAIAH, J

July 6, 2007

Note: Furnish C.C. of the order by 09.07.2007

(B/o)

DSK